

**LOUISVILLE METRO COUNCIL
REGULAR MEETING
APRIL 24, 2008
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President King called the **April 24, 2008** Louisville Metro Council meeting to order at 6:00 PM. He asked all to rise and join in the Pledge Allegiance to the flag.

PRESIDENT KING: Madam Clerk, a roll call please.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
DAVID TANDY: PRESENT
CHERI HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT@6:18 PM
PRESIDENT JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JULIE RAQUE ADAMS: PRESENT
HAL HEINER: PRESENT@6:07 PM
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT@6:13 PM
ELLEN CALL: PRESENT@6:20pm

CLERK: There are 26 members PRESENT. A quorum was established.

MOMENT OF SILENCE:

PRESIDENT KING: Before we begin our formal meeting, I would like to ask for a moment of silence in memory of Judge Montano who passed away in such an untimely manner this week.
So a moment of silence, please.

ADDRESSES TO COUNCIL:

PRESIDENT KING: Madam Clerk, are there any addresses to council?

CLERK: Yes, sir

The following spoke:

Nina Wolfort: Pedestrian Summit
Candace Shoemaker – Appreciation to Metro Council
Deborah O’Gorman – Contract for TARC
Bill Wells – The Greening of Green

PRESIDENT KING: Madam Clerk, would you let the record reflect that Councilwoman Ward-Pugh is present, Councilman Hawkins is present, Councilwoman Butler is present, Councilman Heiner is present.

CLERK: So noted.

PRESIDENT KING: And Councilwoman Call is present.

CLERK: So noted.

APPROVAL OF COUNCIL MINUTES

PRESIDENT KING: Thank you, Madam Clerk. Next, we have approval of Council minutes for the regular Council Meeting of April 17, 2008.

Are there any corrections or deletions? May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILMAN FLEMING: Second

PRESIDENT KING: I have a motion and a second. The minutes have been properly moved and seconded. All those in favor, say aye.

ALL: Aye

All those opposed, by like sign.

The ayes have it.

Those minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT KING: Next, we have approval of the following committee minutes:

Special: Appropriations, NDFs and CIFs – April 21, 2008

Regular: Committee of the Whole – April 17, 2008

Regular: Committee on Committees – April 22, 2008

Special: Contracts – April 21, 2008

Special: Health and Human Needs – April 23, 2008

Special: Labor & Economic Development – April 22, 2008

Special: Parks, Libraries, Zoo and Arts – April 21, 2008

PRESIDENT KING: Are there any corrections or deletions? May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILMAN ENGEL: Second.

PRESIDENT KING: I have a motion and a second. All those in favor, say aye.

All: Aye

All those opposed. The ayes have it.

These minutes are approved as written.

COMMUNICATIONS FROM THE MAYOR:

PRESIDENT KING: Madam Clerk, are there any communications from the mayor?

CLERK HERRON: No, sir.

GUESTS:

PRESIDENT KING: Councilwoman Ward-Pugh, would you like to introduce your guests?

COUNCILWOMAN WARD-PUGH: Thank you, colleagues.

I'm grateful to be here tonight to give the ninth District corporate citizen award to two people who have created a development in the ninth District, in the historic Clifton neighborhood.

And what I think is a shining example of appropriate development in a neighborhood that's taking care to work with the system as well as the neighbors in the community Council to accomplish that.

But before I give the proclamation to these fine fellows, I would like to say that -- I would like to invite Judge William Knopf up, who is going to make some remarks from the Clifton Community Council, but who also is a resident in the District who lives adjacent to or near this particular development.

Judge Knopf

JUDGE KNOPF: Thank you, Councilwoman.

We have several people here from the Clifton Community Council

We have a whole row of people coming in support of this well deserved recognition, here today.

I personally was very interested as was mentioned because this property is behind where I live.

But there were two turn of the century apartment buildings and I mean these were places that you would be scared to walk through. They were an eyesore. They were in terrible deplorable conditions.

One of the two buildings probably arguably could have been torn down and you'll hear so many things how developers do things wrong and don't take the consideration of the desires of the neighborhood and these developers here today took two pieces of property and turned them into two fabulous buildings and really now they are an asset to the neighborhood.

There's some other property now on the street that's already been bought and starting to get fixed up and they turned these into two really nice buildings. And this is a job really well done and a recognition and an award they really deserve. Thank you.

COUNCILWOMAN WARD-PUGH: Thank you.

I'm going to go ahead and read these awards.

And then I believe either John or Ed might say a few words in thanks to our fine employees, Dave Marchal and Debra Richards.

To all whom these letters should come know the Louisville Metro Council awards to John Gray and Ed Rhawn the ninth District corporate citizen award in recognition of a development that's outstanding in its architectural contribution to historic Clifton, it's respect for the process that protects a neighborhood's structural composition and for engaging the Clifton Community Council to create the Keith Bluff condominiums.

We here by confers this highest honor with all of the rights, privileges and responsibilities there unto in

testimony whereof we have caused these letters to be made and the seal of the city to be hereunto affixed signed today by President Jim King and myself, Councilwoman Tina Ward-Pugh.

And I want to give this to you, John Gray, and so thank you so much.

And to Stocky Rhawn.

And say thank you.

If you all want to say a word, as a matter of fact I want to say these two fellows asked to be able to say thank you to the Metro officials who worked with them to make this possible and to the community Council.

STOCKY RHAWN: I just wanted to make sure we acknowledge that the architecture review Board, the neighbors in Clifton who also approved all of our changes and Deborah and David helped us get it all put together and I hear lots of times people complain about having to deal with somebody picking them and helping them design their own projects but I just wanted to acknowledge that these people were very helpful and helped us get things done and made this a better project because of it.

COUNCILWOMAN WARD-PUGH: Thank you.

We have other Clifton folks who want to be in the photo.

We have Michael, Virginia, Leslie Barras. If you all would come up.

Get in the picture.

PRESIDENT KING: Thank you, Councilwoman Ward-Pugh.

Councilman Stuckel, would you introduce your guests.

COUNCILMAN STUCKEL: I do.

Council members, I have the pleasure of introducing you to Tom Shannon, who is the cub master of cub pack 380 at St. Patrick's Catholic Church and this is his son, Colin.

He's a first class scout. I'm introducing them to you because I want you to see what two heroes look like.

We have a big one and a little one.

But they've had an experience that made them heroes.

And I want Tom to really explain it to you in his own words.

So Tom.

TOM SHANNON: Thank you.

This past September I was returning with Colin and a few other Scouts from a frontier scout outing from Campbellsburg.

And as we were coming down the freeway approaching Billtown Road we saw a car parked on the side of the road with a woman with a child in her hands trying to flag someone down for help.

And unfortunately no one was slowing down and as I was looking for a place to try to get over, we were in the fast lane and trying to figure out how to get over there quickly enough without causing an accident,

Colin turns to me and says we are going to stop, aren't we?

You have to excuse me.

This is still a little emotional for me.

We pulled over to find out that the child had stopped breathing.

And the father was of Mexican origin and spoke very little English.

He had a phone to his ear.

And I had asked if anyone had called 911.

And the wife said that he was trying to contact them now.

I asked him for the phone to find out that there was nothing but a dial tone.

So I called 911 quickly.

And asked the lady if she had a blanket or anything that we could use for the child.

As I got 911 on the phone, I handed the phone to Colin and told Colin to tell them where we were because I didn't have time to do that.

To make a long story short I started giving CPR to the child as Colin directed 911 to our location. And after he did that, then he started talking to the older children of the lady. They were quite distraught and quite emotional. So he talked with them and another scout, Jake Atkins, who was with us, also, he helped to calm them down. We performed CPR until EMS showed up which was about five or six minutes later. At that point, they took over. And loaded -- did what they could. Loaded the child into the ambulance and took the parents down to Kosair Hospital. Which is to say that this had a happy ending I wish I could say but unfortunately on Thursday of that week I found out the child had passed away. She was born with a congenital heart defect, which aided to her distress. We were given an opportunity by God to help other people. And the church taught us not to let opportunities like that go by. And the scouting -- the Boy Scouts of America taught us what to do when we're in those kind of situations. We kind of feed off each other. And I'm very proud. In this day and age you're always worried how your child is going to react and how they are going to grow up. And I have a good feeling that after that, my son, Colin, is on a very good track. So I thank Councilman Stuckel for this great opportunity. And the Council for presenting us with this great opportunity. Thank you.

COUNCILMAN STUCKEL: If anybody ever questions why I'm proud of being associated with scouting here is two good examples.

And because of their actions I put together these proclamations.

Whereas Tom as the cub master of pack 380 chartered by Saint Patrick's Catholic Church and whereas on Sunday September 23rd, 2007 while driving back from a camp-out with several Scouts Tom noticed people on the shoulders of the Gene Snyder expressway asking for assistance.

Whereas Tom stopped to help and ended up administering CPR to one of the car's passengers until EMS could arrive.

Whereas Tom received the Boy Scout of America medal of merit.

It's a medal that's not given very often.

For an act of service and rare or exceptional character.

Now therefore be resolved that the Louisville Metro Council recognizes Tom Shannon for his effort and for the well-being of others.

This was signed by me and also the President Jim King.

And to Colin,

Whereas Colin is a first class Boy Scout with pack 380.

And whereas on Sunday September 22 -- September 23rd, 2007 Colin and his father stopped to assist someone on the shoulder of the Gene Snyder expressway whereas Colin stayed on the phone with 911 operators and directed EMS to their location while his father performed CPR on one of the car's passengers and whereas Colin's ability to stay calm in this type of situation speaks well of him and the benefits of scouting.

Now therefore be resolved that the Louisville Metro Council recognizes Colin Shannon as an outstanding young man and thanks him for his service to our community.

Again, signed and dated this date.

Colin.

PRESIDENT KING: Thank you CM Stuckel for bringing this to our attention. Madam Clerk, are we ready for the Consent Calendar.

CLERK: Yes sir.

CONSENT CALENDAR:

PRESIDENT KING: Our next order of business is the consent calendar. The consent calendar comprises items 10 through 19. Are there any additions or deletions? CM Heiner.

COUNCILMAN HEINER: Thank you, President King.

Yes, item 16 on the agenda, I would like to move it to old business.

PRESIDENT KING: Without objection it moves to old business. The consent calendar now comprises of items 10 through 15 and 17 through 19 is that right, Madam Clerk?

CLERK: Correct.

10. R-71-04-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – C. RUEFF SIGN COMPANY, INC. - \$92,900.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Jim King

11. R-63-04-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – MOUNTJOY & BRESSLER, LLP (\$56,500.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Cheri Bryant Hamilton

12. R-65-04-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – P.E.A.C.E. CENTER, INC. - \$15,298.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Barbara Shanklin

13. O-65-04-08 AN ORDINANCE APPROPRIATING \$10,000 FROM THE DISTRICT 6 NEIGHBORHOOD DEVELOPMENT FUND TO THE 4th DIVISION OF THE LOUISVILLE METRO POLICE DEPARTMENT TO FUND OVERTIME EXPENSES.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: George Unseld

14. O-69-04-08 AN ORDINANCE APPROPRIATING \$1500 FROM THE DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO BREAKING NEW GROUNDS, INC. FOR OPERATING EXPENSES,

WHICH RECEIVED \$30,000 FROM THE METRO COUNCIL ON FEBRUARY 14, 2008.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Tom Owen

15. R-64-04-08 A RESOLUTION DETERMINING ONE (1) PARCEL OF REAL PROPERTY LOCATED AT: 100 NORTH 34TH STREET (010F-0065-0000), KNOWN AS ENGINE HOUSE 13 OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (METRO GOVERNMENT), SUCCESSOR TO THE CITY OF LOUISVILLE, AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: Cheri Bryant Hamilton

Item 16 moved to Old Business on a motion by CM Heiner.

17. R-69-04-08 A RESOLUTION AMENDING AND REENACTING, RESOLUTION 167, SERIES 1999 OF THE FORMER CITY OF LOUISVILLE, AND RESOLUTION 77, SERIES 1999 OF THE JEFFERSON COUNTY FISCAL COURT; AND APPROVING THE GRANTING OF LOCAL INDUCEMENTS TO THE HARLAND CLARKE CORPORATION, PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 24.

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

18. R-66-04-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM AMERICA'S PROMISE THROUGH THE DEPARTMENT OF NEIGHBORHOODS IN THE AMOUNT OF \$10,000 FOR A DROP-OUT PREVENTION LEADERSHIP SUMMIT.

Status: On Council Agenda - Consent Calendar
Committee: Health & Human Needs
Primary Sponsor: Vicki Welch

19. R-67-04-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A \$15,000.00 GRANT FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS TO BE RECEIVED BY THE DEPARTMENT OF PUBLIC HEALTH AND WELLNESS FOR AN ACCREDITATION PREPARATION AND QUALITY IMPROVEMENT DEMONSTRATION SITES PROJECT.

Status: On Council Agenda - Consent Calendar
Committee: Health & Human Needs
Primary Sponsor: Vicki Welch

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN WELCH: Second.

PRESIDENT KING: The Consent Calendar has been properly moved and seconded and calls for a roll call vote. Madam Clerk, please open the voting.

Voting Result : Consent Calendar

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK; There were 26 yes votes.

PRESIDENT KING: **The Consent Calendar passes.**

OLD BUSINESS:

PRESIDENT KING: The next item of business is Old Business. Madam Clerk, a reading of Item 16

16. R-68-04-08 A RESOLUTION AMENDING AND REENACTING RESOLUTION 120, SERIES 2005 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT COUNCIL; AND APPROVING THE GRANTING OF LOCAL INDUCEMENTS TO ARVATO DIGITAL SERVICES LLC, PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 24.

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

COUNCILMAN ENGEL: Motion to approve.
COUNCILWOMAN WELCH: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Heiner?

COUNCILMAN HEINER: Yes thank you, President King.

Thank you for moving this to the old business because I will be abstaining because of a business relationship.

PRESIDENT KING: Is there any further discussion? Hearing none, this is a resolution that would normally call for a voice vote but to record Councilman Heiner's abstention I would ask the clerk to open the voting and register your vote.

VOTING RESULT – ITEM 16

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: ABSTAIN

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK; There were 25 yes votes and one abstention from Councilman Heiner.

PRESIDENT KING: **The resolution passes.**

Madam Clerk, a reading of item 20.

20. O-68-04-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$7,000 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$1000 EACH FROM DISTRICTS 14, 13, 12, 15, AND 24, AND \$500 EACH FROM DISTRICTS 4, 3, 21, AND 2 THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE AMERICAN CANCER SOCIETY, INC., FOR SPONSORSHIP OF THEIR ANNUAL RELAY FOR LIFE.

Status: On Council Agenda - Old Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor:

Robert Henderson

Barbara Shanklin

Dan Johnson

David Tandy

Madonna Flood

Marianne Butler
Mary C. Woolridge
Rick Blackwell
Vicki Welch

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN ENGEL: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Johnson.

COUNCILMAN JOHNSON: Yes, this was passed unanimously but we wanted to leave it open because Councilman Henderson wanted to try to get more people to contribute to it.

PRESIDENT KING: Excuse me Councilman Johnson was there an amendment in committee dealing with the organization's name?

COUNCILMAN JOHNSON: I believe there was.

PRESIDENT KING: Okay.

So there is a floor amendment necessary to correct the organization's name.

CLERK: That's correct.

COUNCILMAN JOHNSON: I've got that information right here.

Well, anyway, I would make a motion for the amendment right here.

I see it. The Relay For Life -- however, there is a need for an additional floor amendment.

And the name of the thing is the American Cancer Society, Mid South Division incorporated.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: I have a motion and a second to correct the organization's name on the ordinance. Is there any discussion on that item? We'll come back in just a moment with respect to additional dollars. Hearing none, this is an amendment calling for a voice vote.

PRESIDENT KING: All those in favor signify by saying aye.

ALL: AYE

PRESIDENT KING: Any opposed? The ayes have it. it's been amended.

Is there any further discussion with respect to additional dollars, CM Heiner? Excuse me Councilman Downard.

COUNCILMAN DOWNARD: I know we look alike.

PRESIDENT KING: You do remind me of each other from time to time.

COUNCILMAN DOWNARD: I would take that as quite a compliment.
I would like to add \$500 to this from District 16, please.

PRESIDENT KING: Councilman Blackwell, did you seek recognition on this?

COUNCILMAN BLACKWELL: Yes.

I was but then when we started into adding money, I thought I would just go with that.

Yeah, I just wanted to mention as Councilman Johnson said, this -- just moved it to the old business just

with any intention if anyone had any intention of adding to it. And just to remind people that if you add, it will go to the Relay For Life that is in your area.

So we're not collecting for a specific area.

It's whatever would be your Council area's closest Relay For Life, that's who will get credited for the amount. Just to encourage you if you would like to join.

PRESIDENT KING: Any other Council members seeking recognition?

Hearing none I'll take that \$500 amendment from Councilman Downard is that right?

As a motion to amend.

COUNCILMAN STUCKEL: Second.

PRESIDENT KING: And we have a second on that.

Is there any further discussion on that?

Hearing none, All those in favor signify by saying aye.

ALL: AYE

Opposed? The ayes have it. The floor amendment is approved.

PRESIDENT KING: Is there any further discussion on the ordinance?

Hearing none this is an ordinance calling for a roll call vote, Madam Clerk, please open the voting.

VOTING RESULT – ITEM 20

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK: There are 26 yes votes.

PRESIDENT KING: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 21.

21. O-66-04-08 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (MARCH 27, 2008 THROUGH JUNE 30, 2011) RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE FRATERNAL ORDER OF POLICE, LODGE 614 CONCERNING OFFICERS AND SERGEANTS OF LOUISVILLE METRO POLICE DEPARTMENT.

Status: On Council Agenda - Old Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

COUNCILMAN TANDY: Move approval.
COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: The item has been properly moved and seconded.
Is there any discussion?
Councilman Tandy?

COUNCILMAN TANDY: Thank you, Mr. President this item is before us on old business in order to allow for Councilwoman Butler to abstain. And I yield the floor to her.

PRESIDENT KING: Councilwoman Butler would you like to be recognized?

COUNCILWOMAN BUTLER: Yes, thank you Mr. President I have family members in the FOP so I would need to abstain on this piece of legislation.

PRESIDENT KING: Is there any further discussion?
Hearing none, this is an ordinance calling for a roll call vote, Madam Clerk, please open the voting.

VOTING RESULT – ITEM 21

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: ABSTAIN
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES

ELLEN CALL: YES

Madam Clerk, did we get that registered in the proper ordinance.

CLERK: Yes, sir.

PRESIDENT KING: Thank you.

CLERK: There are 25 yes votes and one abstention from Councilwoman Butler.

PRESIDENT KING: **The ordinance passes.**

The next item of business is the ordinance relating to the temporary moratorium on South Third and South Fourth corridors, which was postponed to this meeting at a previous meeting.

Madam Clerk, would you please read item 22 for the record?

24. O-48-03-08 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING OR DEMOLITION PERMITS, CONDITIONAL USE PERMITS, OR CERTIFICATES OF OCCUPANCY; AND THE APPROVAL OF ZONING CHANGES WITHIN A DESIGNATED AREA KNOWN AS THE SOUTH THIRD AND SOUTH FOURTH STREETS CORRIDOR REDEVELOPMENT AREA.(AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Labor & Economic Development

Primary Sponsor: Marianne Butler

Additional Sponsor: George Unseld

PRESIDENT KING: This does not require another motion for approval.

It's already on the floor. The question is on the adoption of this ordinance as amended.

I see our County attorney approaching.

I'm not sure if he's seeking recognition or not, are you Mr. O'Brien.

WILLIAM O'BRIEN: The County attorney's office I've been asked to read a potential motion.

PRESIDENT KING: Thank you.

Is there any discussion on this from the Council?

Councilwoman Butler.

COUNCILWOMAN BUTLER: Yes, sir, thank you, Mr. President I do have some floor amendments that I would like the County attorney to read in.

PRESIDENT KING: Thank you, without objection I will ask the County attorney to read your floor amendments.

WILLIAM O'BRIEN: If I could ask you to refer to your copy on the screen, the first amendment would be in the title itself. And it should read an ordinance imposing a category 3 review on the issuance of building. And that would continue down to the semi colon and strike and the approval of the zoning changes.

And then it would read within a designated area known as South Third, South Fourth Street corridor as amended.

That would be the first change.

The second change would be the last whereas immediately before Section 1 based upon the fact that this is a category 3 review that whereas would not be appropriate and would be stricken later as to the review itself starting with Section 1, the Section 1 in the ordinance would be rewritten to read as follows: And that whole provision would be stricken there.

The new Section 1 would read as follows: That all new building, construction, expansions to existing structures and interior or alterations resulting in an increase in the number of dwelling units in the university corridor study regardless of the size of the building or expansion or the number of the units proposed shall be required to go through a category 3 review as set forth in the land development code prior to the issuance of permits by the Louisville Metro department of inspections, permits and licenses.

There would be a new section 2 in the old Section 2 would be stricken.

And the new Section 2 would read as follows: This ordinance shall not apply to any building permit requested for the construction of the accessory structure for single family home or to the expansion of an existing residential structure providing the construction or expansion does not result in any additional dwelling units.

Further, this ordinance shall not apply to structural changes to existing buildings or interior renovations that do not enlarge or result in a change in the use or number of dwelling units of the building. The old Section 3 will become a new Section 4.

And there is a new Section 3 that would read as follows: This ordinance shall apply to any building permit application and to any major or minor subdivision application received after the effective date of this ordinance.

To any pending building permit application received prior to the effective date, which has not been approved by the Louisville Department of Inspection permits and licenses and to any major or minor subdivision application received prior to the effective date, which has not received approval by the Louisville Metro Planning Commission by the effective date.

The new Section 4, as I said before, is the old Section 3.

And again, that is the description of the of the area.

That remains the same.

Except for the number has changed.

And then Section 5 is the -- remains the same.

Except for the word moratorium has been stricken.

And it should read as follows: That the new Section 5, the category 3 review imposed by this ordinance shall be effective immediately upon the effective date of this ordinance and shall remain effective until the earlier of April 1, 2009 or completion of the corridor redevelopment and action plan unless repealed or extended. I think I've read it clearly.

But if there's any questions, I would be more than happy to try to answer those as to what --

PRESIDENT KING: Mr. O'Brien, there are questions that maybe you could start off by addressing describing what a category review is, category 3 review is.
Councilwoman Adams?

COUNCILWOMAN ADAMS: Thank you.

And maybe I just got skipped but I don't have any paper in front of me that reflects these amendments and I also don't have anything on my computer screen that shows any cross-outs or anything for these amendments.

So I would appreciate a copy, if I could have one.

WILLIAM O'BRIEN: I can get a copy of the scratch.

This was done 20 minutes ago. It's a floor amendment.

You would not have it. I was asking you to follow along on the computer.

COUNCILWOMAN ADAMS: Absolutely and I do follow along but I would also like to have a copy of it in

front of me so I can go back over what was just read to me.

WILLIAM O'BRIEN: The clerk's office is going to try to make some copies.

PRESIDENT KING: I wonder should we take a ten-minute recess and get the paperwork organized here?

Would that be appropriate?

Without objection then we will take a ten-minute recess and reconvene at 7 p.m. sharp.

RECESS AT 6:50 PM

PRESIDENT KING: If Council members will be seated, we will begin again.

Thank you.

Councilwoman Raque Adams, did you obtain the written material?

COUNCILWOMAN ADAMS: Yes, thank you Mr. President.

PRESIDENT KING: And Mr. O'Brien, were you completed with your presentation or is there additional information you would like to share with us?

WILLIAM O'BRIEN: Yes, there is some additional information.

As the legal representative for the Council, these are substantial changes. And the legal ramifications I'm not clear in my own mind as I sit here what those ramifications are and how they will play out.

I've had the opportunity to talk to a noted attorney even though he is on the opposite side at this particular point in time, Mr. President.

And we were arguing about -- Mr. Price and we were arguing about what the legal ramifications are and I would make a recommendation that you all review this tonight but not have a final passage. Refer it back to committee, so that I can get our zoning lawyers involved.

And that we can have an open frank discussion with the planning and design people as to what the ramifications would be if this is the final proposal.

So as a caveat I just want to let you know that I cannot swear it's the exact legal ramifications of what you would do and I would hope you would send it to committee so I can have that done.

PRESIDENT KING: Mr. O'Brien is it your recommendation that we adopt the -- assuming that we get a motion and a second on the proposed language, that we adopt that language, removing the moratorium language and adopting the category 3 review language and then send it back to committee for you to perfect the category 3 language.

WILLIAM O'BRIEN: Right.

Before you vote to make it an ordinance, to amend it I think you should probably go ahead and do that and refer the amended which would be on the category 3 back to the committee. And give us an opportunity -- us being the County attorney's office, an opportunity to take a look at it to talk to planning and say this is what the ramifications are to the committee, which then can report back to you all.

And assuming that it's legal -- because there is a possibility that what needs to be done is this to be referred to the Planning Commission as a zoning change.

That's one -- that was pointed out by Mr. Price. And he may be correct on that.

But until I have an opportunity to sit down and take a look at it, I can't swear this would withstand a court challenge.

PRESIDENT KING: Thank you, Councilwoman Butler you were seeking recognition.

Do you want to move the amendment that Mr. O'Brian explained before our recess.

COUNCILWOMAN BUTLER: Yes, sir, I would.

PRESIDENT KING: Do I have a second?

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: I have a motion and a second on the amendment to had this ordinance that Mr. O'Brien explained before our recess.

Is there any discussion on that motion?

Councilwoman Adams?

COUNCILWOMAN ADAMS: I need some -- thank you, Mr. President.

I would like some clarification.

Does this mean that the moratorium is completely out?

Because I don't even want there to be a perception out there at least from my perspective that there is a moratorium or there's some kind of moratorium that's going to go back to committee.

Or that there's some infringement that this Metro Council is going to have upon the progress in this area.

So I don't know how -- like is it an amendment by substitution.

Does it still have the same title?

I don't know what we're doing here.

I don't understand.

Can someone explain to me more clearly?

PRESIDENT KING: I can explain to you clarification purposes that the amendment that's been proposed removes the moratorium language and injects the category 3 language.

And the title and the body has been changed.

And Mr. O'Brien would you concur with that statement?

WILLIAM O'BRIEN: I would concur with that.

And if your question is does it affect?

Yes, it does affect because it would be a category 3 review.

PRESIDENT KING: Councilman Stuckel?

COUNCILMAN STUCKEL: Mr. O'Brien, what is the difference between this and the category 3 reviews that were done for the Portland area?

WILLIAM O'BRIEN: I need to go back and take a look at the original ordinance on the Portland area.

I can't recall if that was a moratorium.

This is the same identical process as the Portland area.

But I'm not sure how the Portland area first came up with the category 3 review that they needed to do.

PRESIDENT KING: Thank you.

I've got Councilman Downard, Councilman Kramer and Councilman Peden and just to let you know that you are registered on the system.

Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President, I would just ask -- this thing has evolved very quickly.

A lot of ways. And we're tossing around some terms and words.

I would, again, ask the sponsor to consider withdrawing this ordinance totally.

Coming back and allowing the County attorney's office to thoughtfully put together the category 3 review.

I think and Councilwoman Hamilton is going to tell me what happened.

But I think what we did was we put it through and it goes to the Planning Commission and came back and all worked pretty well.

We're doing this so quickly, I mean, if our own County attorney is not sure it's going to work if we send this back to the committee let me tell you what's going on many people in this community are watching this moratorium.

This moratorium ordinance will get sent back to committee, which is another two to four weeks of moratorium.

If we withdraw it and it's gone the moratorium is gone and when we come back with a different ordinance that says category 3 review, it's done thoughtfully, I think that goes through.

I mean, I think we can get some agreement to it.

But this all sounds like if I'm out there watching this on TV, it sounds like we're just messing around with this thing trying to find some way to push it around.

And it has the term moratorium ordinance on there.

Call it what you want.

You can take the word off.

That's what it is.

And people are watching this.

And I would just ask, I think there's some cooperation involved to do this.

Thoughtfully.

By just withdrawing it totally.

And coming back with an ordinance that talks about category 3 review.

It was done thoughtfully.

I have no question I can support it the same way I did Councilwoman Hamilton when she did hers.

PRESIDENT KING: Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

Assuming or being willing to accept I should say Councilman Downard's assertion, it answers the question I was going to ask.

And that is what does sending anything back to committee effectively do?

Does it effectively create a moratorium without calling it a moratorium?

Does it effectively say to the folks out in this corridor don't do anything.

Everything is on hold.

You'll have to wait until we're finished.

So even though we haven't voted on a moratorium.

Even though there's been some very clear disapproval of such a thing, we will have put one into place.

And at some point we have to answer to our constituency, you know, we did it but we didn't call it that.

We called it something else.

We called it tabling, we called it government working and government pace we called it lots of things but all of us know what effectively this does.

And I like Councilman Downard would respectfully request that this sponsor withdraw the sponsorship, go through the process, ask for a category 3 and bring it back when we can talk about a corridor instead of talk about -- let's leave it there.

We can come back and talk about a corridor.

Thank you, Mr. President.

PRESIDENT KING: Councilman Peden?

COUNCILMAN PEDEN: Yes, I would just like to request on behalf of myself as well as others maybe watching before we went on -- before we had a break Mr. O'Brien was going to explain what in general

terms a category 3 review was not necessarily in relation to the Portland one or anything.
But just in general, what does it this do?
And maybe you could finish with how it differs from a moratorium.

PRESIDENT KING: Mr. O'Brien, would you like to explain category 3 review or at least the highlights?

WILLIAM O'BRIEN: I think the primary highlight is it deals with the expansion and the facade of a building. I think primarily that's what it does.
In other words, if you're going to add additional space, if you're going to substantially change the facade, the face of the building.
Because part of the category 3 that was extremely important is to try to keep a cohesive type neighborhood.
And those are the two primary.
Your second part is how is it different from a moratorium?
A moratorium is a halting and all moratoriums that you all pass or normally there is a halting with conditions.
So anything that you say that you have to have a prior approval of is going to be a halting.
Now, moratorium is a buzzword.
You know, it's just like any zoning.
It's like you place a moratorium on all construction in this town if you don't have a building permit you're not supposed to construct.
That's a moratorium.
I mean, you cannot build. You cannot occupy.
Until XYZ is done.
And this is a condition.
And of course some very intelligent people could argue this is a moratorium.
And other people could intelligently argue this is just a precondition.
I don't know if that helps at all.

PRESIDENT KING: Councilman Fleming?

COUNCILMAN FLEMING: Thank you, Mr. President.
Mr. President, I just want to direct a question to the sponsor and to Mr. O'Brien.
It basically deals with timeframe.
In regards to the timeframe for the corridor redevelopment, when is that expected to be completed?
And then what's the time expected for a category 3 process?
And I think there's public hearings that's included in the cat 3.
I want to verify that.
Because if I look at the definition of Section 5 it says category 3 reviews and I guess is goes along with Councilman Kramer and Councilman Downard.
And that says that this ordinance shall be effective immediately upon the effective date and should remain until April 1st 2009 or the completion of the plan.
And to some respect it seems like we're putting a mask or a facade on this particular labeling of category 3. And it's really a moratorium.
So I have like a couple of questions there.
Thank you, Mr. President.
Timeframe.
That's -- timeframe for a cat 3. And does it include public hearing.
And then timeframe for the corridor plan.

PRESIDENT KING: Mr. O'Brien, are you prepared to address these -- either of those questions.

WILLIAM O'BRIEN: I'm not really totally prepared to address this.

But I can ask the man sitting behind my right shoulder who has done three category 3s how long it took him to do it, if he doesn't mind speaking up.

How long did it take you, Glenn, to do a category 3.

Noted zoning attorney here in town.

GLENN PRICE: A category 3 is a type of zoning approval that's required when -- in certain foreign Districts you reach a certain level of intensity.

Such as for commercial buildings, certain number of square feet.

For residential buildings, a certain number of units.

If it reaches that level, it's required to give ten days notice of a meeting of the Planning Commission's DRC committee, development review committee.

And the development review committee then makes a final ruling on the category 3.

And if the proposal is in conformity with all of the zoning regulations, the Planning Commission is without authority to reject it.

I've had category 3s last a short period of time.

Meaning they can be -- they can take as long -- a short a period of time as three or four months.

But they can take longer than that.

I've had one on Mockingbird Valley Road, Ken that went to court.

It lasted a good deal longer than that.

And so I think typically a category 3 this is a little bit of an educated guess but they typically will go between three months and four and a half, five months.

WILLIAM O'BRIEN: Does that answer your question?

PRESIDENT KING: Thank you Mr. Price, Mr. O'Brien.
Councilwoman Flood?

COUNCILWOMAN FLOOD: Thank you, Mr. President.

Mr. O'Brien, I'm getting the feeling, though, that when we're mentioning category 3 here, though, it's serving as a type of moratorium; is that not -- that's the feel that I'm getting that we're just calling it something different.

And without a lot of further discussion, I feel very uncomfortable, as you said, with where we are legally.

WILLIAM O'BRIEN: If I may, Mr. President, to answer your first question, any time you put an approval that in a way is a moratorium.

Because until they meet that approval, they can't do whatever.

So are you adding potentially time onto a construction project.

The answer would be yes.

They have to do -- if they fit into the qualifications there, they would have to go in and get the category 3.

PRESIDENT KING: Thank you.
Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: Thank you, Mr. President.

I guess as the Council District that most recently has had a category 3, as Councilman Heiner will recall when it was in zoning committee when I first introduced it, it came through as a moratorium.

That was not the wishes of the Council to have a moratorium, while we were working on our neighborhood plan.

So it was suggested that we use the category 3, which is a review process, which allowed community input and notice when any new developments were being planned, whether they were residential or commercial.

As well as -- there were certain things that if you were adding or doing some improvements on your own residence that didn't have to come past this.

But it was not a moratorium.

And I think that throwing that word around as you go through a category 3 gives the wrong impression about this process

because no development will stop.

It just put the community really at the table while we were working on this neighborhood plan.

And I would be happy to answer any questions on it.

As I can recall.

But it was not -- when I talked to Mr. Cash recently, I understand there are at least three or four other Metro Council Districts that he is looking at or recommending that they have a category 3. I believe one is out in Middletown.

I'm not sure where the other one is.

But they are trying to come up with a policy before had this summer regarding that that would pertain to every Metro Council District.

So I thought I saw Mr. Cash out here earlier.

But I see he's not here now.

But that would be something.

So I would be in favor of this going to committee.

You know, it's not going to -- it's not like the project or anything is going to jump off the face of the earth.

I mean, things can still proceed because there is no moratorium.

You know, IPL still has the ability and planning and design to do.

Now, they may not want to because they know it's tied up in Metro Council.

But I think that you know if you're seriously looking at a redevelopment and action plan in your District, sometimes you need to have a process and category 3 seemed to work in Portland and I believe it would work on this Third and Fourth Street corridor, as well.

PRESIDENT KING: Thank you.

Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

I had told a sponsor of this legislation earlier on that I would sign on.

And she had my support.

However, at this particular time, I believe -- and I'm agreeing with one of my colleagues -- that it may be best if the sponsor -- I'm not telling the sponsor what to do.

But it would probably be better if she would withdraw and reintroduce this legislation.

Similarly we're all struggling with this tonight.

I think it's some good legislation.

I'm not saying it would fail.

But I certainly would hate to see it fail when, you know, if she would entertain the idea of withdrawing her sponsorship and reintroducing this.

And Mr. President, I would like to ask the County attorney, the hard copy of this ordinance, the title was cut off.

And in that title I know some words changed.

Did we take out moratorium in the title or would he mind reading it again?

WILLIAM O'BRIEN: Mr. President, I would be more than happy to read it again.

An ordinance improving a category 3 review on the issuance of building or demolition permits, conditional

use permits, or certificate of occupancies within a designated area known as the South Third and South Fourth Streets corridor redevelopment area as amended is what I've read earlier.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

PRESIDENT KING: Councilman Fleming?

COUNCILMAN FLEMING: Thank you, Mr. President.

I just wanted to ask the sponsor when will she expect the action plan to be completed.

PRESIDENT KING: Councilwoman Butler, I will ask you to respond to that, if you would like to.

COUNCILWOMAN BUTLER: Yes, hopefully this fall.

I think this fall.

PRESIDENT KING: Councilman Heiner next.

COUNCILMAN HEINER: Thank you.

In committee I supported the concept of category 3.

And I think it has worked well in the Portland area.

And I told the sponsor that I would support the concept of category 3 in an attempt to do something outside of committee.

I think we've seen that before here on the Council.

It rarely succeeds or results in a good piece of legislation.

And I think with the County attorney recommending that we not pass this tonight, I, too, would recommend to the sponsor that she withdraw her sponsorship of this and start over.

One of the reasons that it works so well in Portland is that as you read this it new Section 1 and Section 2, you can see it's fairly narrowly tailored to the problem they were having in Portland.

And that was the division of old historic homes into six apartments.

And all of a sudden there's no places for the cars.

And as well as the construction of homes that were just completely out of character with the neighborhood.

So it was narrowly tailored to a problem that that neighborhood, that part of our community said we can't take it anymore.

Let's fix it until our study has some controls in place.

And I think the concept of category 3 has application in different places in the community from time to time, I'm not sure tonight dropping this, which is really residential focused into an area that maybe there are really at least I haven't heard in committee any kind of residential problems, I think it needs some work first, the sponsors and the County attorney on okay what are our concerns, how do we write something that focuses on holding off on those problems until this fall or whenever that report is done.

And I would just -- I don't feel like we can do it tonight.

I don't feel it's also fair to the community that as sort of had the threat of moratorium that it stops people talking about moving forward that we should either -- this legislation just be pulled or voted up or down tonight and then start over with something that's tailored to the concerns in that neighborhood.

That can't wait six months to be addressed by the neighborhood study.

So I would also recommend like a couple of my colleagues that the sponsor pull her sponsorship from this.

And start over with something after some research.

And probably along the category 3 line.

PRESIDENT KING: I have no one else seeking recognition on this. We still have the question before us. Councilmember Unseld?

COUNCILMAN UNSELD: I'm sitting here trying to understand it.

If we withdraw -- Councilwoman Butler withdraws and says we'll reintroduce something, you know, reintroduce what?

And when?

At this point I'm seeing no real difference between the category 3 and what is already proposed.

Either way it's going to kill time or it's going to be an extended period of time.

Mr. O'Brian, let me ask the question.

And I'm asking not out of ignorance.

I just don't know.

Okay?

Doing a category 3, if a project is in -- going to be constructed or is in the process of being constructed, can it continue on?

PRESIDENT KING: Mr. O'Brien would you like to answer that please.

WILLIAM O'BRIEN: Under the proposal --

COUNCILMAN UNSELD: I'm not talking about under a proposal.

I'm talking about a regular category 3.

WILLIAM O'BRIEN: Under a regular category 3 before they were able to get the permits, they would have to apply.

So if you're in a form District where category 3 is also mandated, that has to be completed before you --

COUNCILMAN UNSELD: You still have to go through this period of time or process or whatever.

WILLIAM O'BRIEN: Yes.

COUNCILMAN UNSELD: As you said before that could take two months to four months a period of time.

WILLIAM O'BRIEN: That's what Mr. Price had indicated. Or it could just take ten days.

Because sometimes the government can be quick.

COUNCILMAN UNSELD: Not any government I know it couldn't.

PRESIDENT KING: Councilwoman Hamilton, were you seeking recognition.

COUNCILWOMAN HAMILTON: Well, I did and then I didn't.

I had my name there.

PRESIDENT KING: You're on the didn't right now.

You're not required to speak.

COUNCILWOMAN HAMILTON: The only thing I was going to say is that I do believe I heard the County Attorney say that pass the category 3, take it back to the committee and let the committee work it out.

The only problem I have is that I don't believe the Labor and Economic Development committee would be the appropriate committee. And Councilman Owen chaired zoning.

But Councilman Stuckel is the vice chair of zoning.

And the zoning committee is I believe the appropriate one now that we've moved into this area.

And it's not just strictly economic development.

So if you all choose to send it back or send this to committee, I would make that recommendation.

PRESIDENT KING: If there's a motion to refer, then we can designate which committee it should go to.

And Councilman Stuckel would obviously be the acting chairman of that committee.

And -- in Councilman Owen's absence.

And Councilman Stuckel I think was the first to suggest the category 3 review idea.

So I'm sure he's well prepared to deal with that.

We still have the question before us.

It is the motion to amend to remove the moratorium language from the ordinance and to insert the category 3 language.

Is there any further discussion on that amendment?

Hearing none -- excuse me Councilman Downard?

COUNCILMAN DOWNARD: I'm on there.

PRESIDENT KING: I see you.

COUNCILMAN DOWNARD: I would like to ask the sponsor, will you agree to withdraw?
Because if not, I've got a lot of questions.
We're not --

PRESIDENT KING: Councilwoman Flood is next.

COUNCILWOMAN FLOOD: I'm sorry; I'm trying to withdraw that it's the not letting me.

PRESIDENT KING: All right.
Councilman Peden is next.

COUNCILMAN PEDEN: I would also before Councilman Downard gets to ask all of his questions like to make a motion to recommit to planning and zoning pending the sponsors yea or nay on pulling her sponsorship and starting over.

If not at this point I sort of call the question on that.

And if not, then I would make a motion that we recommit to planning and zoning as is.

As it stands now.

And decide all this category 3 review issue in committee as opposed to here on the floor tonight where so many people do have questions.

PRESIDENT KING: Councilwoman Butler, were you seeking recognition?

COUNCILWOMAN BUTLER: Thank you, Mr. President. I would like to see the amendment go through.

And it go to planning and zoning to flush out.

And I'm amenable to working with them on that. This is an opportunity for the residents to continue to get heard. And that's what we want to do.

And I can -- yes, if I withdrew this and it got put back in tomorrow, we would be the same spot.

We would be as if it went to committee.

PRESIDENT KING: Councilman Heiner?

COUNCILMAN HEINER: Yes.

I think the advantage of not sending this to committee is that I don't feel it's the role or responsibility of the committees to write legislation.

I really feel that this -- although the idea of category 3 may be fine, that what we would be sending there today where it applies in Portland doesn't apply in this area.

And the committee would then be tasked with finding out first what are the problems in this area.

And second then trying to write legislation to address those problems.

I think would be -- we would have much more efficient Council work if that committee started fresh with here is the problem. And here is how we seek to solve that problem.

Rather than sending something back that addresses a problem that may or may not exist in that area.

So I think just for the efficiency of this Council, we shouldn't send it back.

That's not really our role to invent or create legislation to go looking for the difficulties.

PRESIDENT KING: Councilman Downard?

COUNCILMAN DOWNARD: I would say sending this back to committee an admittedly potentially flawed

piece of legislation we're going to vote for and then send to committee is -- it's just -- I think it's an inappropriate way to handle it.

You know, I've been reaching out for about three weeks here.

And it's getting harder.

But if we would just start from scratch.

If you draw a category 3 ordinance with the County attorney's office, thoughtfully geared toward this area, then when it comes to planning and zoning, they have something of finished product which is what they like to deal with then they can make their amendments if they feel they are appropriate if any.

I don't think it's appropriate for us to send them a document that we're not sure is even going to with stand legality. Knowing they have to change it.

And what you have to change is you write a brand-new one and substitute an amendment by substitution I guess. Putting something back in tomorrow won't be this same thing I hope.

It will be something that has been drawn up and thoughtfully done.

And the same vein as the one we did for Portland.

But geared toward this area.

So I really hope that we don't get in to having to do that.

This is happening very quickly.

And we've got -- I just would hope we don't do that.

PRESIDENT KING: Councilman Kramer?

COUNCILMAN KRAMER: Thank you, Mr. President.

Councilman Heiner suggested that the category 3 that's before us is considerably different than the moratorium that was first offered .

He pointed out this more resembles the category 3 that is working in Portland.

As I sat and read this, more carefully, obviously it's not the moratorium we had.

And as I read it, I kept thinking to myself, this is all residential.

This is all residential.

This doesn't do any of the things that the original moratorium set out to do. And the things that we were most concerned about in terms of residences in the original moratorium are fixed in this.

So the residents that we were concerned about, this seems to take care of.

But it doesn't do any of the other things that the moratorium originally intended to do.

I'm a little bit -- no I'm not a little bit. I'm a lot.

I'm considerably nervous about what's before me tonight.

And the process that we've been through. And what it feels like might be possible.

What was brought before us and what's before us are two completely different things.

We're being told now to send this back to committee because we're not sure this is something we can do legally. I can assure you and I need to assure the public that if we send this back to committee, it's not going to come back to us looking -- let -- I shouldn't assure.

I should say I feel very comfortable that if we send this back to committee as this purely residential piece of legislation which I personally have no problem with. I could vote for this tonight.

My fear is this is a mechanism whereby to get it back into committee to do all of the things that we were so railing against in the first place and have it come back up again later.

Again I'm going respectfully request that we deal with the issue that we had, the original discussion about the university corridor study. If there's a desire to seek a category 3 in that corridor, then let's stop doing this stuff that has nothing to do with that in the first place.

Withdraw this. Get rid of it. If we need a category 3 come back and do it through the normal regular process where we can have legitimate discussion.

Thank you.

PRESIDENT KING: Thank you, Councilwoman Butler?

COUNCILWOMAN BUTLER: With the concurrence of the co-sponsor, we'll withdraw and we'll come back with something else and hopefully at that time we can get full Council support so that the residents in this area do have a voice and are heard.

I believe everyone got an e-mail today from someone who was grateful to have the opportunity to have a voice in something. And I hope that her voice can be heard.

And when we bring it back, we do get full support so that their voices are heard.

This is an area that is on the edge of changing. And changing for the better.

And we want to keep it going that way.

And I ask you to support it in the future.

PRESIDENT KING: Thank you.

By rule, this item no longer has a sponsor as long as I think it was Councilmember Unseld was on there, also, is that right, Madam Clerk.

CLERK: That's correct.

PRESIDENT KING: And with his consent, this item no longer has a sponsor is that right Councilmember Unseld?

COUNCILMAN UNSELD: Yes, sir.

PRESIDENT KING: Thank you.

So by -- we don't need . . .

By rule this item dies without a sponsor.

And I am -- the clerk has asked me if we need to do anything with the amendment.

But since there is no work product to work with, the amendment also dies.

And it's my ruling that this item is no longer before -- no longer before us.

NEW BUSINESS

The next item of business is new business. New business comprises items 23 to 36.

Madam Clerk, a reading of those items and their assignments to committee.

22. R-72-04-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (UNIVERSITY OF KENTUCKY RESEARCH FOUNDATION - \$301,600.00).

Status: On Council Agenda - New Business

Committee: Contracts

Primary Sponsor: Tom Owen

23. R-73-04-08 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A BICYCLE PRIORITY CORRIDOR IMPROVEMENT PROJECT.

Status: On Council Agenda - New Business

Committee: Transportation/Public Works

Primary Sponsor: Tom Owen

24. O-79-04-08 AN ORDINANCE APPROPRIATING \$10,000 FROM THE DISTRICT 12 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO MUSIC THEATRE LOUISVILLE, INC. FOR 600 DISTRICT 12 RESIDENTS TO ATTEND MUSICAL PRODUCTIONS AT IROQUOIS AMPHITHEATER AND FOR 16 HIGH, MIDDLE AND ELEMENTARY SCHOOL STUDENTS FROM DISTRICT 12 TO ATTEND BROADWAY BOOT CAMP.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Rick Blackwell

25. O-78-04-08 AN ORDINANCE APPROPRIATING \$8,854.83 FROM DISTRICT 2 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE DEPARTMENT OF SOLID WASTE MANAGEMENT (DSWM) FOR EQUIPMENT, SALARIES AND OVERTIME TO FACILITATE A COMMUNITY JUNK DROP-OFF AT THE NEWBURG COMMUNITY CENTER, IN CONJUNCTION WITH OPERATION BRIGHTSIDE'S COMMUNITY-WIDE CLEAN UP.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin

26. O-80-04-08 AN ORDINANCE APPROPRIATING \$7,000 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,000 FROM DISTRICT 22; \$1,000 FROM DISTRICT 18; AND \$500 EACH FROM DISTRICTS 10 AND 4, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO LIFEHOUSE, INC. FOR PROGRAM OPERATIONS.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
Robin Engel
Julie Raque Adams
Jim King
David Tandy

27. O-81-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO PDD, PLANNED DEVELOPMENT DISTRICT ON PROPERTY LOCATED AT 8708 BROWNSBORO ROAD, CONTAINING A TOTAL OF 30.25 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9344).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

28. O-82-04-08 AN ORDINANCE CLOSING MAPLE STREET, A 50-FOOT RIGHT-OF-WAY, BEGINNING AT A POINT SOUTH OF 15TH STREET AND BROADWAY, RUNNING EAST 390.25 FEET FROM ITS EASTERN INTERSECTION WITH 15TH STREET TO 14TH STREET AND THE IC RAILROAD RIGHT-OF-WAY, CONTAINING A TOTAL OF 19.619 SQUARE FEET BEING IN LOUISVILLE METRO (CASE NO. 8489).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

29. O-83-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 5911 SOUTH WATTERSON TRAIL, CONTAINING A TOTAL OF 6.3 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9153).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

30. O-84-04-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO R5-A, MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 10407 AND 10501 SEATONVILLE ROAD, CONTAINING A TOTAL OF 18.9 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9624).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

31. O-85-04-08 AN ORDINANCE CHANGING THE ZONING FROM C-1, COMMERCIAL TO EZ-1, ENTERPRISE ZONE ON PROPERTY LOCATED AT 1600-1606 WEST MARKET STREET, CONTAINING A TOTAL OF 0.51 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9327).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

32. R-74-04-08 A RESOLUTION COMMENDING GOVERNOR STEVE BESHEAR, LOUISVILLE METRO MAYOR JERRY ABRAMSON, ECONOMIC DEVELOPMENT SECRETARY JOHN HINDMAN, AND GREATER LOUISVILLE INC. PRESIDENT JOE REAGAN ON THEIR VISIT TO FORD MOTOR COMPANY HEADQUARTERS IN DEARBORN, MICHIGAN.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor:
Rick Blackwell
Barbara Shanklin
Dan Johnson
David Tandy
Judy Green
Madonna Flood
Marianne Butler
Mary C. Woolridge
Robert Henderson
Vicki Welch
Dan Johnson
Tom Owen

33. R-75-04-08 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A CORRIDOR MANAGEMENT PLAN FOR THE RIVER ROAD SCENIC BYWAY.

Status: On Council Agenda - New Business
Committee: Transportation/Public Works
Primary Sponsor: Tom Owen

34. O-86-04-08 AN ORDINANCE AMENDING ORDINANCE NO. 226, SERIES 2006 RELATING TO THE LOUISVILLE ARENA ZONE FOR THE LOUISVILLE ARENA PROJECT

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

35. O-87-04-08 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING THE ISSUANCE OF ITS COLLEGE REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2008A AND SERIES 2008B (BELLARMINE UNIVERSITY PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$43,000,000, THE PROCEEDS OF WHICH SHALL BE LOANED TO BELLARMINE UNIVERSITY INCORPORATED TO FINANCE AND REFINANCE THE COSTS OF THE COMPLETION OF THE CONSTRUCTION, INSTALLATION AND EQUIPPING OF AN APPROXIMATELY 33,350 SQUARE FOOT FACILITY CONSISTING OF CLASSROOMS AND FACULTY OFFICES, THE CONSTRUCTION, INSTALLATION AND EQUIPPING OF AN APPROXIMATE 38,900 SQUARE FOOT RESIDENCE HALL LOCATED AT 2001 NEWBURG ROAD, THE REFUNDING OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT COLLEGE REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2006 (BELLARMINE UNIVERSITY PROJECT), AND TO FINANCE CERTAIN COSTS OF ISSUANCE; AUTHORIZING THE BOND INDENTURES, LOAN AGREEMENTS, BOND PURCHASE AGREEMENTS AND OTHER RELATED DOCUMENTS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS .

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Jim King

PRESIDENT KING: I think that concludes our business for the evening.
I would like to encourage everyone to have a great Derby and great Derby festival week.
Thank you very much.

There being no further business, the **April 24, 2008** Regular Louisville Metro Council meeting adjourned without objection on a motion by Councilwoman Welch at 7:44 PM EDT.

Kathleen J. Herron, Metro Council Clerk

Jim King, Metro Council President

Announcements were made by CM Owen, CW Welch, CM Blackwell, CW Ward-Pugh and CW Hamilton.
